

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. CR-13-217-M

MICHELLE RENE A BARTELS,)

JOHNNY LEE HARDIMAN, and)

TRACI MARIE PUTMAN,)

Defendants.)

ORDER


Before the Court is defendants' Unopposed Joint Motion to Continue Jury Trial, filed October 22, 2013. The Court finds the motion should be granted. The Court finds the denial of this motion would unreasonably deny the defendants and the government reasonable time necessary for effective preparation, taking into account the exercise of due diligence by counsel. Effective preparation in a criminal case includes time necessary to reach a plea agreement acceptable to the Court and each of the parties. Negotiating a plea agreement is a legitimate part of criminal proceedings, as recognized by the Speedy Trial Act, 18 U.S.C. §3161(h)(2) and the Tenth Circuit. *See United States v. Cano-Silva*, 402 F.3d 1031, 1034 (10th Cir. 2005); *see also United States v. Fields*, 39 F.3d 439, 445 (3rd Cir. 1994).

The Court sees no reason to deny the parties additional time to seek a pretrial resolution of the matter as long as the parties exhibit "due diligence" in their efforts to reach an agreement. In this case, parties due diligence has been demonstrated by their continuing efforts to resolve the case. In addition, the requested continuance will not implicate the seventy (70) day time limit within which to commence jury trial under the Speedy Trial Act.

The Speedy Trial Act gives this Court the discretion to “accommodate limited delays for case-specific needs.” *United States v. Zedner*, 547 U.S. 489, 499 (2006). The facts of this case justify an ends of justice determination that a continuance to the December 2013 trial docket “outweighs the best interest of the public and the defendant in a speedy trial.” *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009) (citing 18 U.S.C. §3161(h)(7)(A)). The period of delay caused by the granting of the motion to continue on this ground is excludable for purposes of the Speedy Trial Act. 18 U.S.C. §3161(h)(7)(B)(iv).

For the above reasons, the Court GRANTS defendants’ Unopposed Joint Motion to Continue Jury Trial [Docket No. 32], STRIKES this case from the November 2013, Jury Trial Docket, and CONTINUES this matter to the Court’s December 2013 Jury Trial Docket.

IT IS SO ORDERED this 28th day of October, 2013.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE